

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

VERIFIED ANSWER

\$9,517.53 IN UNITED STATES CURRENCY,

Case No. 07-CV-3733

And

\$55,250.00 IN UNITED STATES CURRENCY,

Defendants-in-rem.

-----X

Claimant, BRENNAN N. GASPARINI, by his attorney, EDWARD J. CARROLL,  
ESQ., answering the allegations contained in plaintiff's verified complaint,  
respectfully sets forth and alleges as follows:

1. Denies each and every allegation contained in paragraph 1 of plaintiff's verified complaint herein.
2. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraphs 2, 3 and 4 of plaintiff's verified complaint herein.
3. Denies each and every allegation contained in paragraphs 5, 6 and 7 of plaintiff's verified complaint herein.

4. Admits the allegations contained in paragraph 8 of plaintiff's verified complaint herein that there was currency within the apartment, but denies knowledge and information sufficient to form a belief as to the exact amount.

5. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of plaintiff's verified complaint herein.

6. Denies the allegations contained in paragraph 10 of plaintiff's verified complaint except admits, in violation of his constitution rights, NRPD police officers illegally confined and falsely imprisoned claimant and spoke to him notwithstanding his numerous demands to be represented by legal counsel.

7. Denies the allegations contained in paragraph 11 of plaintiff's verified complaint except admits that the storage bin contained defendant currency-2 which was lawfully possessed by claimant.

8. Admits the allegations contained in paragraph 12 of plaintiff's verified complaint herein except denies knowledge and information sufficient to form a belief as to the specific amounts of the bills.

9. Denies and/or denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of plaintiff's verified complaint herein where appropriate.

10. Denies knowledge and information sufficient to form a belief as to the truth of

the allegations contained in paragraph 16 of plaintiff's verified complaint herein.

11. Denies each and every allegation contained in paragraphs 17 and 18 of plaintiff's verified complaint herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

12. That the seizure of all currencies which are the subject of this proceeding arise from an illegal search, arrest and unconstitutional illegal taking and seizure in violation of the claimant's constitutional rights of due process without a valid search warrant and without consent and probable cause.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

13. That the currency seized arises from an illegal imprisonment, detention and false arrest in violation of the claimant's constitutional rights, due process, and right to legal counsel.


AS AND FOR A THIRD AFFIRMATIVE DEFENSE

14. That the currencies seized do not constitute monies intended to be furnished in exchange for a controlled substance, and/or proceeds traceable for such an exchange, and/or monies used or intended to be used to facilitate such an exchange, and that said currencies were not possessed or obtained in violation of Subchapter I of Title 21 of the United States Code.

WHEREFORE, for all the foregoing reasons, the relief sought in the plaintiff's verified complaint should be in all respects denied, together with such other and further relief as to the Court may deem just and proper under the circumstances.

Dated: June 13, 2007

Yours, etc.



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EDWARD J. CARROLL, ESQ. (EC6937)  
Attorney for Claimant, Brennan N.  
Gasparini  
2733 Route 209  
Kingston, New York 12401  
(845) 338-5977

TO: MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for the Plaintiff  
United States of America  
By: ANNA E. ARREOLA  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007

STATE OF NEW YORK, COUNTY OF ULSTER

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and

☐ certify that the annexed  
has been compared by me with the original and found to be a true and complete copy thereof.

Check Applicable Box

Attorney's

Certification

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for Brennan N. Gasparini, Claimant

Attorney's

Verification

by

Affirmation

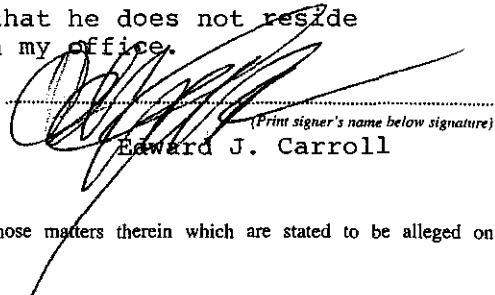
I have read the annexed Answer  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following. Contents of my file

Brennan N.

The reason I make this affirmation instead of Gasparini is that he does not reside within the County of Ulster where I maintain my office.

I affirm that the foregoing statements are true under penalties of perjury.

Dated: June 13, 2007



(Print signer's name below signature)  
Edward J. Carroll

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am

Check Applicable Box

Individual

Verification

in the action herein; I have read the annexed  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

the

of

a corporation, one of the parties to the action; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on

, 20

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF ULSTER

ss:

Debra Leacock

being sworn says: I am not a party to the action, am over 18 years of

age and reside at Shokan, New York

On June 13, 2007, I served a true copy of the annexed Verified Answer  
in the following manner:

Check Applicable Box

Service

by Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

Personal

Service

by delivering the same personally to the persons at the address indicated below:

Service

by Electronic

Means

by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

Overnight

Delivery

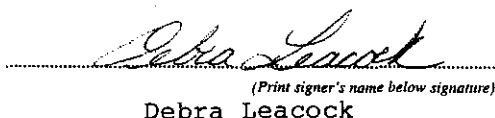
Service

by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

U.S. Department of Justice  
United States Attorney  
Att: Anna E. Arreola, Assistant United States Attorney  
Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007-1703

Sworn to before me on June 13, 2007

EDWARD J. CARROLL  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ULSTER COUNTY  
COMMISSION EXPIRES JUNE 30, 2011



(Print signer's name below signature)  
Debra Leacock